
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
ACS Wireless, Inc.)	File No. EB-FIELDWR-12-00002196
Antenna Structure Registrant)	
ASR # 1241368)	
Soldotna, Alaska)	
)	
)	NOV No. V201232780005
)	

NOTICE OF VIOLATION

Released: June 21, 2012

By the Resident Agent, Anchorage Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,¹ to ACS Wireless, Inc., registrant of antenna structure number 1241368 in Soldotna, Alaska..
2. On April 25, 2012, agents of the Enforcement Bureau's Anchorage Resident Agent Office inspected antenna structure number 1241368 located at of Echo Lake Road SW of Soldotna, Alaska, and observed the following violation:
 - a. 47 C.F.R. § Section 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of "no hazard," as referenced in the following FAA Advisory Circulars: AC 70/7460-1J "Obstruction Marking and Lighting," effective January 1, 1996, and AC 150/5345-43E, "Specification for Obstruction Lighting Equipment," dated October 19, 1995." Antenna structure number 1241368 is 54.8 meters in overall height above ground level (AGL) and has lighting requirements as specified in Chapters 4, 5, and of FAA Circular Number 70/7460-1K. Chapter 5 requires antenna structures exceeding 46 meters AGL to have at least one top mounted red flashing (L-864) beacon installed. At the time of the inspection, the agents observed a double red obstruction light installed on top. In addition, Chapter 5 requires structures 107 meters or less to have steady burning obstruction lighting (L-810) installed on diagonally or diametrically

¹ 47 C.F.R. § 1.89.

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opposite positions. At the time of the inspection, the agents did not observe any side lights installed on the antenna structure.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, ACS Wireless, Inc., must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of ACS Wireless. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Anchorage Resident Agent Office
P.O. Box 231949
Anchorage, Alaska 99523-1949

4. This Notice shall be sent to ACS Wireless, Inc. at its address of record.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Marlene Windel
Resident Agent
Anchorage Resident Agent Office
Western Region
Enforcement Bureau

² 47 U.S.C. § 403.

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*